

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-20 are pending in this application. Claims 1, 4, 7, 10, 13, and 16 are independent. Claims 1, 4, 7, 10, 13, and 16 are hereby amended. No new matter has been introduced. Support for this Amendment is found throughout the specification as originally filed, and specifically at page 26.

It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-18 and 20 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,324,334 to Morioka, et al. (hereinafter, merely “Morioka”) in view of U.S. Patent No. 6,014,170 to Pont, et al. (hereinafter, merely “Pont”) and further in view of U.S. Patent No. 5,774,643 to Lubbers, et al. (hereinafter, merely “Lubbers”).

Claim 19 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Morioka in view of Pont and Lubbers and further in view of U.S. Patent No. 6,011,546 to Bertram (hereinafter, merely “Bertram”).

Claim 1 recites, *inter alia*:

**A data recorder-reproducer ...
wherein the data recorder-reproducer can perform update of
firmware stored in controllers without exchanging ROMs.
(Emphasis added)**

As understood by Applicants, Morioka relates a recording and reproducing apparatus for recording and reproducing hybrid data that includes video data, audio data, and additional data onto a recording medium.

As understood by Applicants, Pont relates to an information processing apparatus that enables information stored in a device that can record a plurality of data items in addition to a main image, such as an electronic camera, to be read into a personal computer in an appropriate order and to be reproduced in an appropriate order.

As understood by Applicants, Lubbers relates to a method and apparatus for reconstructing data in a computer system employing a modified RAID data protection scheme.

Applicants respectfully submit that nothing has been found in Morioka, Pont, or Lubbers that would disclose or suggest the above-identified features of claim 1. Specifically, Morioka, Pont, and Lubbers, taken alone or in combination, fail to teach or suggest that the data recorder-reproducer can perform update of firmware stored in controllers without exchanging ROMs, as recited in claim 1.

Furthermore, Applicants respectfully submit that the combination of Morioka, Pont, and Lubbers is improper because it lacks motivation. One of ordinary skill in the art at the time the invention was made would not have been motivated to combine the recording and

reproducing apparatus of Marioka with the information processing device of Pont and further with the data reconstruction device of Lubbers. The combination of these references is improper because the combination is based on improper hindsight. Furthermore, Applicants submit that the combination is improper because the Office Action is using the present application as a blueprint to create a mosaic of features patched together from numerous sources.

Therefore, independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above independent claims 4, 7, 10, 13, 16 are also patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800